

## **REMARKS**

Claims 21 – 40 are pending in the application. Claim 21 is an independent claim with claims 22 – 31 depending therefrom. Claim 32 is an independent claim with claims 33 – 40 depending therefrom.

Claims 21, 25 – 27, 29 – 32, and 40 stand rejected under § 102(b) as anticipated by the DE '705 reference. Claims 33, 34, and 37 stand rejected as obvious in view of the DE '705 reference and Feisel '020.

Claims 22 – 24, 28, 35, 36, 38, and 39 have been indicated as objected to for being dependent upon a rejected base claim, but otherwise allowable.

Claim 22 has been amended to be placed in independent form, and is thus allowable. Claim 23 depends from claim 22 and is thus also allowable. Likewise, claims 24 and 28 have been amended to be placed in independent form and are also allowable.

Claims 35 and 38 have been placed in independent form and are thus allowable. Claim 36 depends from claim 35 and is thus also allowable. Likewise, claim 39 depends from claim 38 and is thus allowable.

Independent claims 21 and 32 have been amended to more positively set forth the “grooved” nature of the roller used for defining the precise connection surfaces for the add-on elements in the prefabricated concrete part. For example, as amended, the method of independent claim 21 calls for the grooved roller to have a cross-sectional profile that corresponds to the precise shape of the connection surfaces that are defined in the prefabricated concrete part with desired predetermined dimensions. Similarly, the production device of independent claim 32 calls for the grooved roller to have a cross-

sectional profile and dimensions corresponding to the profile and desired dimensions of the connection surface that is defined in the prefabricated concrete part. Applicant respectfully submits that the independent claims as amended and presented herein patentably distinguish over the German DE '705 reference.

As discussed in the Background section of the application, the system and device according to the DE '705 reference represents the state of the art wherein grooves are milled into concrete plates used to produce a fixed track. However, the grooves are not cut to the desired and necessary degree of tolerance and are thus not sufficient for high-precision add-on elements, such as track rails. In other words, the add-on elements cannot be connected directly to connection surfaces that are defined precisely in the concrete plate by the process. According to the German DE '705 reference, the grooves serve to receive elastically deformable profile elements, which in turn receive the rails. The elastically deformable profile elements compensate for the relatively imprecise production of the grooves that are defined in the concrete plate. Referring to the figures of the DE '705 reference, it is readily apparent that the roller 30 does not have a grooved cross-sectional profile that corresponds to the desired profile and exact tolerances of a connection surface on the concrete plate. At best, the roller has a profile corresponding to a groove having dimensions to receive an elastically deformable element.

Applicant's position is also consistent with the conclusion set forth in the International Preliminary Examination Report on the corresponding PCT application, wherein the original PCT claims of similar scope were found to be novel and inventive in


view of the DE '705 reference. The International Preliminary Examination Report has been previously supplied to the Examiner.

Accordingly, applicant respectfully submits that independent claims 21 and 32 patentably define over the DE '705 reference and are allowable. The remaining claims only further patentably distinguish the invention of their respective independent claims and are allowable for at least the reasons the independent claims are allowable.

With the present Amendment, applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING, P.A.

By:   
Stephen E. Bondura  
Registration No.: 35,070

P.O. Box 1450  
Greenville, SC 29602-1449  
(864) 271-1592  
fax (864) 233-7342